

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

HARRELL KING,

PLAINTIFF

V.

NO. 2:04CV345-WAP-EMB

LIEUTENANT PAULER,

DEFENDANT

ORDER DISMISSING CASE WITHOUT PREJUDICE

This matter is before the Court, *sua sponte*, for consideration of dismissal. On December 15, 2004, the *pro se* plaintiff filed his Complaint pursuant to 42 U.S.C. § 1983 regarding an incident which allegedly occurred at the Tallahatchie County Correctional Facility in Tutwiler, Mississippi.

On July 25, 2005, plaintiff notified the Court of his change of address; and he is currently confined in a facility in Canon City, Colorado. Because plaintiff is presently incarcerated outside the state of Mississippi, it is impossible for the case to proceed in an orderly and timely matter. Therefore, it should be dismissed without prejudice until plaintiff is free to return to prosecute his Complaint within the jurisdiction of this Court. Therefore, it is

ORDERED:

1. That the Complaint herein is **DISMISSED** without prejudice to plaintiff's right to refile this action within ninety (90) days after his release from incarceration outside the state of Mississippi.

2. That any applicable statute of limitations is hereby **TOLLED** for ninety (90) days after plaintiff's release from incarceration outside the state of Mississippi.

THIS, the 14th day of October, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE